John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:
H.R. 2181—Witness Protection and Interstate Relocation Act
H.R. 1544—Federal Agency Compliance Act

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H.R. 2181—Witness Protection and Interstate Relocation Act

Floor Situation: The House will consider H.R. 2181 as its first order of business today. On Tuesday, the Rules Committee granted an open rule, providing one hour of general debate equally divided between the chairman and ranking member of the Judiciary Committee. The rule accords priority in recognition to members whose amendments have been pre-printed in the *Congressional Record*. The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and reduce the voting time on a postponed vote to five minutes, so long as it follows a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2181 criminalizes acts of witness intimidation by establishing a federal offense for engaging in interstate or foreign commerce with the intent to delay or influence the testimony of a witness in a state criminal trial. Such an action typically means intimidating persons who are in a different state or country by traveling across state lines, or acting in other ways to directly or indirectly influence their testimony in a state trial. The bill also establishes enhanced conspiracy penalties for obstruction of justice offenses involving victims, witnesses, and informants. In recent years, concerns over growing attempts of witness intimidation have hampered law enforcement efforts and resulted in numerous unsolved cases of murder and other violent crimes. In fact, a 1994 survey of almost 200 federal prosecutors found that intimidation of victims and witnesses was felt to be a major problem for 51 percent of prosecutors in large jurisdictions (counties with populations over 250,000) and for 43 percent of small jurisdiction prosecutors. As a result, H.R. 2181 enhances federal penalties for direct and indirect witness intimidation in local areas, across state lines, and in other countries, as well as conspiracy and obstruction of justice charges related to attempting to silence testimony from a witness. CBO estimates that enactment will result in $500,000 in discre-

tionary spending over the next two years. The bill affects direct spending and receipts, so pay-as-you-go procedures apply. H.R. 2181 was introduced by Mr. McCollum and was reported by the Judiciary Committee by a vote of 20-4 on July 23, 1997.

Views: The Republican Leadership supports passage of the bill. A Clinton Administration viewpoint was unavailable at press time.

Amendments: At press time, the *Legislative Digest* was unaware of any amendments to H.R. 2181.

Additional Information: See *Legislative Digest*, Vol. XXVII, #3, February 20, 1998.

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H.R. 1544—Federal Agency Compliance Act

Floor Situation: The House is expected to consider H.R. 1544 today after it completes consideration of H.R. 2181. On Tuesday, the Rules Committee granted an open rule, providing one hour of general debate, equally divided between the chairman and ranking member of the Judiciary Committee. The rule accords priority in recognition to members whose amendments have been pre-printed in the *Congressional Record*. The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and reduce the voting time on a postponed vote to five minutes, so long as it follows a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 1544 prevents agencies from refusing to follow legal precedents established by the United States Courts of Appeals while administering a program and during litigation of agency programs. The bill is based on a recommendation by the federal judiciary that Congress enact legislation which: (1) generally prohibits agencies from adopting a policy of nonacquiescence to a precedent established by a particular circuit; and (2) requires agencies to demonstrate special circumstances for relitigating an issue when a uniform precedent has been established already in multiple courts of appeals. Agency nonacquiescence has been a judicial concern for decades. A recent study of government agency operations concluded that many agencies have insisted, in varying degrees, on the authority to pursue their policies, despite conflicting court decisions. The Social Security Administration (SSA) and the Internal Revenue Service (IRS) are two examples of agencies which regularly practice nonacquiescence. H.R. 1544 attempts to remove as much automatic disadvantage as possible during a person's challenge to a federal agency by directing Administrative Law Judges to more closely adhere to appeals court precedents. CBO estimates that enactment may affect spending and receipts of federal agencies, so pay-as-you-go procedures apply. H.R. 1544 was introduced by Mr. Gekas and was reported by the Judiciary Committee by voice vote on September 17, 1997.

Views: The Republican Leadership supports passage of the bill. A Clinton Administration viewpoint was unavailable at press time.

Amendments: At press time, the *Legislative Digest* was unaware of any amendments to H.R. 1544.

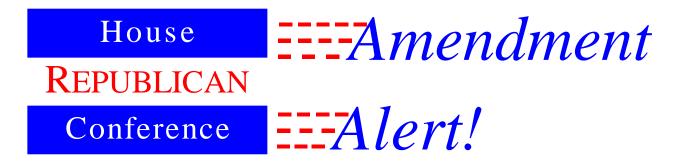**Additional Information:** See *Legislative Digest*, Vol. XXVII, #3, February 20, 1998.

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House REPUBLICAN Conference

Amendment Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

John Boehner
Chairman
8th District, Ohio

Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

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(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

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Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

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